



Comptroller General  
of the United States  
Washington, D.C. 20548

153/20  
T-30-111

## Decision

**Matter Of:** Centroid, Inc.  
**File No.:** B-259484  
**Date:** December 12, 1994

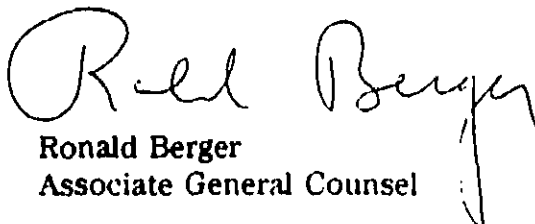
### DECISION

Centroid, Inc. protests the award of a contract to another company by the Department of the Navy under solicitation No. N00383-94-R-B194, issued as a small business set-aside. Centroid submitted the low offer but stated that it could not perform a required test. Its offer therefore was rejected and award was made to another company. Centroid contends that no small business can perform the test and therefore it was improper for the Navy to reject its proposal and accept one from another small business that also will not perform the test.

We dismiss the protest.

Centroid's proposal was rejected because it took exception to the test requirement. The other proposal was acceptable because it took no exceptions to the solicitation requirements. Centroid's protest in essence is a challenge to the Navy's determination that the other offeror was responsible, that is, capable of performing the contract.

A determination that a bidder or offeror is capable of performing a contract is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. Thus, an agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. 4 C.F.R. § 21.3(m)(5); King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177. Where, as here, there is no showing of possible fraud or bad faith, or that definitive responsibility criteria have been misapplied, we have no basis to review the protest.

  
Ronald Berger  
Associate General Counsel